

- ing of the county commissioners within thirty days after the taking and carrying away of such timber, stone, or gravel, it shall be the duty of said commissioners to pay for the same such sum as may be agreed upon by an impartial jury of three freeholders, one to be selected by the county superintendent of roads, one by the party claiming damages, and the third to be selected by these two, with the right of either party to appeal as provided for in section twelve of this act.
- Right of appeal.
- Power of superintendent to relocate or change road.
- How damage for right of way assessed.
- SEC. 12. That, subject to the approval of the board of county commissioners, the county superintendent of roads is hereby given discretionary power, with the aid of a competent engineer, to re-locate or change any part of any public road where, in his judgment, such re-location or change will prove advantageous to public travel. That when any person or persons on whose lands the new road or part of the road is to be located claims damages therefor, and within thirty days petitions the board of county commissioners for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury to be summoned as provided by law in section two thousand and twenty-three (2023) of *The Code*, and said jury in considering the question of damages shall also take into consideration the benefits to public travel and to the owner of the land, and if said benefits be considered equal to or greater than the damages inflicted the jury shall so declare.
- Right of appeal.
- SEC. 13. That in case either of the two interested parties shall be dissatisfied with the finding of the juries provided for in section eleven and twelve of this act, such dissatisfied party may appeal from the decision of said jury to the county commissioners, and if dissatisfied with their decision may in turn appeal to the superior court of the county of Wilson: *Provided*, however, that said appeal may be taken from the judgment of the board of commissioners by either party, and the same shall be heard *de novo*: *Provided, further*, that the party to whom damages are awarded shall recover no more costs than a sum equal to the amount of damages so awarded.
- Proviso:
Either party may appeal.
- Proviso:
No more costs than damages recoverable.
- SEC. 14. That any officer or employer appointed by virtue of this act, or to whom duties are assigned in this act, who shall fail to make complete returns within the time prescribed therein, or who shall otherwise fail to discharge the duties imposed upon him by this act, shall, in all cases where penalties for such failure are not provided in this act, be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred (\$500) dollars or imprisoned not more than two years, at the discretion of the court.
- Failure of officers to perform duty a misdemeanor.
- Penalty.